

Plaintiff,)
v.) **Case No.: 3:06-CV-337-WHA**
DEPUTY SHERIFF WALTER LACEY,)
in his official and individual capacity)
Defendant.)

¹ Plaintiffs' Exhibit 1—Defendant's Deposition Designation

greater distance than one hundred miles from the place where the court is sitting, or that, by reason of age, sickness, bodily infirmity, or imprisonment, he is unable to travel and appear at court, such deposition shall not be used in the cause.' This was first enacted in the judiciary act of September 24, 1789, c. 20, § 30, (1 St. 90,) and it has been in force from that time until now.

Whiteford v. County of Clark, 119 U.S. 522 (1886).

Furthermore, if the deposition parts are used for impeachment or rebuttal, Plaintiff reserves the right to read the portion used in its entirety.

WHEREFORE, PREMISES CONSIDERED, The Plaintiffs' pray that this Honorable Court give proper notice to the Defendant that the depositions of Richard Arnold and Richard Arnold, Jr., are not admissible as evidence other than to be used to refresh memory, impeachment purposes, and/or rebuttal purposes.

Respectfully submitted this 18th day of April, 2007.

s/Arlene M. Richardson
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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of April, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

C. Winston Sheehan, Jr., Esq.
Ball, Ball, Matthews & Novak, P.A.
P.O. Box 2148
Montgomery, AL 36102-2148

and I certify that I have hereby mailed by U.S. Postal Service the document to the following non CM/ECF participants: NONE

s/Arlene M. Richardson
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